

## **Alabama Anchor Institution/Middle-Mile Program Frequently Asked Questions (FAQs)**

These FAQs are intended to provide additional information in response to frequently asked questions about the Alabama Anchor Institution/Middle-Mile Program (AIMM or AIMM Program). These FAQs are not binding, exhaustive, or final, and may be updated by ADECA at any time. These FAQs should be reviewed in conjunction with the *Alabama Anchor Institution/Middle-Mile Program Application and Application Guide*, *Alabama Anchor Institution/Middle-Mile Program Guide*, and *Alabama Anchor Institution/Middle-Mile Program Rating Criteria* as well as the guidance issued by the U.S. Department of the Treasury (Treasury) regarding the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) that support the AIMM Program.

### **1. What is the AIMM Program?**

The AIMM Program is a competitive subaward program that will provide grants to broadband service provider subrecipients. Specifically, the AIMM Program will make necessary investments in broadband infrastructure by awarding grants to service provider subrecipients to support the deployment of middle-mile broadband infrastructure to anchor institution facilities (such as higher education, rural hospital, government, and public safety facilities) with an identified need for service and facilitate the deployment of last-mile broadband infrastructure in unserved areas of Alabama.

There are many critical anchor institutions in Alabama that are located in census blocks that are more than 50% unserved and many are located in census blocks that are more than 80% unserved. The idea of the AIMM Program is that, if fiber is built to anchor institutions in unserved areas, it can be used to improve the reach and efficiency of last-mile funds because extending middle-mile networks would enable service providers to more cost-effectively build and operate last-mile networks.

### **2. What is the funding source for AIMM Program Grants?**

AIMM Program grants are supported by federal funds under the SLFRF established by the American Rescue Plan Act of 2021. The federal SLFRF is administered by Treasury. More information about the federal SLFRF can be found on Treasury's website at <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds>.

### **3. Is the AIMM Program subject to federal law, state law, or both?**

Both. ADECA will implement the AIMM Program in accordance with: (a) Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (ARPA); (b) 42 U.S.C. § 802; (c) 31 C.F.R. Part 35, Subpart A; (d) the Final Rule adopted for the ARPA SLFRF, 87 Fed. Reg. 4338 (Jan. 27, 2022); (e) Alabama Act No. 2023-1; and (f) other applicable laws and guidance.

As a recipient of federal ARPA funds, ADECA must comply with and ensure subrecipients comply with applicable terms and conditions of the ARPA, regulations governing the expenditure of funds distributed from the ARPA, and interpretative guidance the Treasury has issued or will issue governing the expenditure of funds distributed from the ARPA. Importantly, ADECA must comply with and ensure subrecipients comply with all applicable provisions of 2

C.F.R. Part 200, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Administrative Requirements). ADECA and AIMM Program subrecipients must comply with the Uniform Administrative Requirements, subject to any exceptions provided by law or as determined by Treasury. More information on the Uniform Administrative Requirements can be found at <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200>.

In the event of any discrepancy between these FAQs and applicable federal/state law, the federal/state law will prevail.

#### **4. What is the AIMM application process and timeframe?**

ADECA will accept AIMM applications beginning on August 14, 2023, and applications must be submitted no later than 11:59 p.m. (Central) on October 13, 2023. Any application received by ADECA after the deadline will not be considered. Applications and all supporting documentation must be submitted to ADECA by email to [broadband.fund@adeca.alabama.gov](mailto:broadband.fund@adeca.alabama.gov).

More information about the AIMM Program application process can be found in the *Alabama Anchor Institution/Middle-Mile Program Application and Application Guide* and *Alabama Anchor Institution/Middle-Mile Program Guide*.

#### **5. Is a letter of intent required to apply for the AIMM Program?**

No.

#### **6. What are the requirements for a proposed project to be eligible for AIMM Program funding?**

ADECA will grant AIMM subawards only to applicants that propose projects that will be designed to provide: (a) at least one service offering that is capable of delivering broadband services that reliably meet or exceed symmetrical 1/1 Gbps speeds to Anchor Institutions with an identified need and (b) middle-mile broadband services that can support last-mile broadband services that reliably meet or exceed symmetrical 100/100 Mbps speeds. AIMM Program projects also must comply with the Fiber Construction Standards included as Appendix A to the *Alabama Anchor Institution/Middle-Mile Program Guide*.

- For the purposes of the AIMM Program, an Anchor or Anchor Institution may include an entity, such as a school, library, health clinic, health center, hospital or other medical provider, government/public safety entity, institution of higher education, public housing organization, or community support organization that relies on broadband for its own operations and/or facilitates substantial use of broadband service by members of the public, including vulnerable populations such as low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals. Applicants should contact ADECA by email at [broadband.fund@adeca.alabama.gov](mailto:broadband.fund@adeca.alabama.gov) with any questions regarding whether a location is an Anchor Institution under the AIMM Program.
- For the purposes of the AIMM Program, an unserved area is any rural area in which there is not at least one provider of terrestrial broadband service that is either (a) offering a

connection to the internet providing 100/20 Mbps or higher speeds or (b) required under the terms of another state or federal grant to provide a connection to the internet providing 100/20 Mbps or higher speeds within the same or similar timeframe of projects of similar complexity or scale awarded during the AIMM grant cycle.

**Note:** *A rural area is any area within Alabama not included within the boundaries of any incorporated city or town having a population in excess of 25,000 inhabitants, according to the last federal census. Terrestrial broadband service includes wireline or fixed wireless service and does not include cellular or satellite service.*

Please see the *Alabama Anchor Institution/Middle-Mile Program Application and Application Guide* and *Alabama Anchor Institution/Middle-Mile Program Guide* for additional information regarding project eligibility.

## **7. Who is eligible to receive funding under this program?**

Eligible applicants are cooperatives, corporations, limited liability companies, partnerships, non-profits, other private business entities, or units of government that currently provide middle-mile, last-mile, or Anchor Institution broadband services. Entities that represent a collaboration among multiple entities – including consortia – are also eligible to apply for an AIMM subaward, so long as a single, qualified entity serves as lead bidder and accepts all of the obligations and responsibilities of the subaward agreement. Additionally, at least one member of the collaborative entity must currently provide middle-mile, last-mile, or Anchor Institution broadband services.

If an applicant is a last-mile broadband service provider, it must submit, within the one-year period preceding the awarding of an AIMM grant, its broadband service availability information to Alabama's broadband mapping program to be eligible for an AIMM grant. Such entities must continue to participate in Alabama's broadband mapping program throughout the entire project period by providing accurate, complete, and timely responses to mapping data requests from ADECA or its contractors should they receive an AIMM grant.

More information on applicant eligibility can be found in the *Alabama Anchor Institution/Middle-Mile Program Application and Application Guide* and *Alabama Anchor Institution/Middle-Mile Program Guide*, and more information on Alabama's broadband mapping program can be found at <https://broadband.alabama.gov/>.

## **8. Does the preliminary technical evaluation certification for a proposed project have to come from a Professional Engineer licensed in Alabama?**

No. The Professional Engineer is not required to be licensed in Alabama to provide the preliminary technical evaluation certification for a proposed project, so long as the engineer is properly licensed.

**9. Will applicants be required to provide their own funds for these projects? Are there other requirements for the mix of funding sources to support each project?**

Yes. AIMM grants may not exceed \$30 million and the proposed match amount must be at least 20% of the total cost of the proposed project. Any AIMM grant, when combined with other forms of state or federal support or assistance dedicated to the proposed project, other than interest-bearing loans, may not exceed 90% of the total cost of the project. The subrecipient is responsible for securing funding for all project expenses beyond the grant award.

The 20% match obligation represents the minimum required for consideration for AIMM funding. Applicants are encouraged to commit additional match and will receive a higher score for including additional match commitments in their applications.

**10. What kinds of project costs are eligible for reimbursement?**

Subrecipient project costs eligible for reimbursement generally will be limited to construction and construction-related costs of broadband infrastructure, in accordance with applicable law, AIMM Program materials, and Treasury/ADECA guidance. More information on eligible and ineligible AIMM project expenses may be found in the *Alabama Anchor Institution/Middle-Mile Program Application and Application Guide* as well as the *Alabama Anchor Institution/Middle-Mile Program Guide* and on Treasury's website at <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds>. AIMM participants should contact ADECA by email at [broadband.fund@adeca.alabama.gov](mailto:broadband.fund@adeca.alabama.gov) with any questions regarding the eligibility of AIMM project expenses.

**11. Will a subrecipient's normal procurement procedures be sufficient?**

Subrecipients are responsible for ensuring that their procurement procedures for a project comply with all applicable federal, state, and local laws. AIMM Program subrecipients will be required to comply with the federal Uniform Administrative Requirements found in 2 C.F.R. Part 200, subject to any exceptions provided by law or as determined by Treasury. Treasury has issued guidance regarding the application of certain Uniform Administrative Requirements to internet service providers receiving AIMM subawards. That guidance provided that states are not required to apply the cost principles and procurement standards of the Uniform Administrative Requirements to internet service providers receiving AIMM subawards. However, AIMM Program subrecipients will be required to comply with any applicable provisions of 2 C.F.R. §§ 200.321-200.323 and 2 C.F.R. § 200.327 as part of the subaward agreement.

Subrecipients remain responsible for accounting for their project costs appropriately and for maintaining records demonstrating that such costs are eligible for reimbursement, in accordance with applicable law, AIMM Program materials, and Treasury/ADECA guidance. Subrecipients that are subject to the Alabama Competitive Bid, Procurement, and/or Public Works Laws, including certain governmental entities, are expected to be familiar with their procurement obligations and procedures under these laws and their application to AIMM projects. Similarly, subrecipients are expected to be familiar with the mix of funding for their AIMM projects and, if a project is relying on other federal/state funding sources, to be familiar and comply with any procurement requirements associated with those funding sources.

More information on the application of the Uniform Administrative Requirements to AIMM Program subrecipients can be found in the *Alabama Anchor Institution/Middle-Mile Program Guide* and on Treasury’s website at <https://home.treasury.gov/system/files/136/SLFRF-and-CPF-Supplementary-Broadband-Guidance.pdf>.

## **12. How long does a subrecipient have to complete a project?**

AIMM Program subrecipients normally must complete their projects within two years of the subaward grant. However, an applicant may request an extended timeframe due to project complexity in its application. An applicant requesting an extended timeframe must provide a specific explanation of the proposed project’s complexity, including any particular challenges presented by project infrastructure deployment. If an increased project completion timeframe is approved by ADECA, it will be included in the AIMM subaward agreement for the project. In addition, if a subrecipient demonstrates that a project is progressing, it may request an extension of the project term for delays beyond its control, subject to ADECA program deadlines.

AIMM Program subrecipients must submit all extension requests in writing to ADECA no less than 30 calendar days prior to the expiration of the term. Approval of any extension request will be at ADECA’s sole discretion. If a subrecipient fails to complete a project within the required term, including any term extension, ADECA may revoke the subaward agreement and suspend and/or recoup payments of AIMM grant funds.

## **13. Are AIMM Program subrecipients required to participate in the Federal Communications Commission’s Affordable Connectivity Program or other affordability program?**

AIMM Program subrecipients that provide service to households using AIMM-supported broadband infrastructure must, for as long as the AIMM-supported broadband infrastructure is in use, either participate in the Federal Communications Commission’s Affordable Connectivity Program (ACP) through the lifetime of the ACP or otherwise provide access to a broad-based affordability program to low-income consumers in the proposed service area of the broadband infrastructure that provides benefits to households commensurate with those provided under the ACP through the lifetime of the ACP. In addition, AIMM Program subrecipients that enter into agreements with last-mile service providers to use their AIMM-supported broadband infrastructure to provide service to households must require such service providers, for as long as they use AIMM-supported broadband infrastructure, to either participate in the ACP through the lifetime of the ACP or otherwise provide access to a broad-based affordability program to low-income consumers in the proposed service area of the broadband infrastructure that provides benefits to households commensurate with those provided under the ACP through the lifetime of the ACP.

AIMM Program applicants will be asked to provide information on any plans they have to meet the ACP requirements, including the service provider partner affordability obligations, and any plans by the applicants or by their service provider partners to offer last-mile services that are affordable to customers within the proposed funded service area(s).

More information on the ACP and its application to AIMM Program subrecipients can be found in the *Alabama Anchor Institution/Middle-Mile Program Application and Application Guide* as well as the *Alabama Anchor Institution/Middle-Mile Program Guide*.

**14. Will subrecipients be required to comply with any environmental and historic preservation requirements?**

Yes. AIMM Program subrecipients and their contractors and subcontractors must comply with all applicable federal, state, and local environmental and historic preservation laws during project deployment. It is the responsibility of AIMM participants to familiarize themselves with these requirements and their potential impact on their proposed project. For example, the National Environmental Policy Act (NEPA) normally does not apply to projects funded by the AIMM Program. However, projects funded by the AIMM Program may still be subject to NEPA review if they are also funded by, require the approval of, or otherwise involve other federal programs or agencies. Similarly, Section 106 of the National Historic Preservation Act (NHPA) normally does not apply to projects funded by the AIMM Program. However, projects funded by the AIMM Program may still be subject to Section 106 of the NHPA if they are also funded by, require the approval of, or otherwise involve other federal programs or agencies.

**15. Will subrecipients be required to comply with any labor requirements?**

Yes. AIMM Program subrecipients must comply with all applicable federal, state, and local labor laws. While the federal Davis-Bacon Act prevailing wage rate requirements generally do not apply to projects funded solely by the AIMM Program, Treasury and ADECA encourage applicants to ensure that projects incorporate strong labor standards and competitive wages. AIMM Program applicants will be asked to provide information on any plans to prioritize strong labor, workforce development/continuity, and local hiring practices and hiring of workers from historically underserved communities for the proposed project. In addition, successful applicants may be required to provide additional labor information as part of the subaward reporting process.

**16. What is the Risk Assessment Questionnaire?**

The Risk Assessment Questionnaire is part of the AIMM application and seeks information regarding an applicant's ability to comply with program requirements and applicable laws, allowing ADECA to conduct a risk assessment in accordance with federal law. Each successful AIMM Program applicant will be evaluated for risk of noncompliance with federal and state statutes, regulations, and the terms and conditions of the grant before the subaward agreement is executed. ADECA staff will monitor AIMM Program subrecipients as necessary to ensure that projects are completed in a timely manner and program funds are used for authorized purposes.

**17. What information must a successful AIMM Program applicant provide in order to receive a subaward agreement?**

Successful AIMM Program applicants will receive a letter of conditional commitment from ADECA, stating that the application has been conditionally selected for a grant and requesting additional information required for the subaward agreement. As part of this process, each successful applicant will be required to complete and submit the Beason-Hammon Alabama Taxpayer and Citizen Protection Act Certification, a complete copy of its E-Verify



Memorandum of Understanding, the State of Alabama Disclosure Statement, the Signatory Authority Form, and other documentation and certifications required by federal and state law. Each successful applicant also must register in the Alabama Buys eProcurement Portal, be eligible for federal grants, and obtain and maintain an active SAM registration. In addition, successful applicants may need to provide subrecipient executive compensation information for federal reporting purposes. The Taxpayer ID number, entity name, and entity address must match across all documents and with the information in the Alabama Buys eProcurement Portal.

More information about subrecipient documentation requirements can be found in the *Alabama Anchor Institution/Middle-Mile Program Application and Application Guide*.

## **18. What are the project reporting and closeout requirements?**

AIMM Program subrecipients will be required to report on the progressive completion of their projects until closeout and grants for projects not showing progress may be rescinded. Subrecipients will be required to file an initial project report, an initial technical project report, quarterly project and expenditure reports, annual performance reports, and a closeout report in accordance with the subaward agreement and any other requirements established by Treasury/ADECA.

Subrecipients will be responsible for obtaining the equipment, software, or any other applications necessary to conduct the required testing to validate speeds, latency, and other performance requirements. ADECA will condition the release of each progress payment installment on the satisfaction of all reporting requirements. Subrecipients remain responsible for the accuracy and completeness of their reports.

More information on project reporting and closeout obligations can be found in the *Alabama Anchor Institution/Middle-Mile Program Guide* and on Treasury's website at <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds/recipient-compliance-and-reporting-responsibilities>.

## **19. How much grant funding is available through the AIMM Program?**

Approximately \$232 million is available for grants through the AIMM Program. However, ADECA may cancel the AIMM subaward application solicitation, award less than the planned amount, and/or issue another application solicitation as part of its ongoing administration of the program and in accordance with applicable law and guidance.

## **20. How will subrecipients receive AIMM grant funds?**

AIMM Program subrecipients will receive grant funds in the form of reimbursement of actual eligible expenses incurred by the subrecipient through progress payments that will be established as part of the subaward agreement. ADECA will condition the release of any grant funds on the subrecipient's satisfaction of all subaward agreement requirements. Subrecipients will file a request for payment for each progress payment installment with ADECA, providing documentation demonstrating the progressive completion of the project and supporting the claimed subrecipient costs in the format specified by ADECA. Such requests will be subject to ADECA review and approval before any AIMM grant progress payment is made. Subrecipients

must certify in writing to ADECA that a project reached completion by the end of the term. Subrecipients also must submit all final invoices and other required documentation, demonstrating compliance with the subaward agreement and all reporting obligations, within 30 calendar days of the submission of the project completion certification or such other period as ADECA may establish consistent with federal law.

## **21. How does an applicant demonstrate Anchor Institution connectivity?**

An applicant will discuss how the proposed project will result in the deployment of middle-mile broadband infrastructure capable of providing 1 Gbps symmetrical or faster speeds to all Anchor Institutions that are part of the proposed project. An applicant will identify the number of Anchor Institutions that will be directly connected to the proposed middle-mile network. An applicant also will provide evidence of an identified need for at least 1 Gbps symmetrical fiber service to the Anchor Institutions proposed to be served, including any letters of support and commitment or other evidence of interest from Anchor Institutions for the proposed services offered by the project. An applicant may also provide evidence of commitments by last-mile service providers or the applicant itself to provide services to Anchor Institutions requesting/using the proposed project infrastructure.

More information on how an applicant can demonstrate Anchor Institution connectivity can be found in the *Alabama Anchor Institution/Middle-Mile Program Application and Application Guide*.

## **22. How does an applicant demonstrate last-mile connectivity?**

An applicant will discuss how the proposed project will facilitate the deployment of last-mile broadband infrastructure capable of providing 100 Mbps symmetrical or faster speeds in currently unserved areas and explain the applicant's basis for such determination, such as the Alabama Broadband Map. The proposed project does not need to serve unserved areas exclusively, but the applicant must demonstrate how the proposed project will help facilitate broadband infrastructure deployment that would enable a last-mile service provider, including the applicant, to serve surrounding residential and business locations and to generally improve last-mile opportunities and outcomes. An applicant will provide documentary evidence demonstrating how its proposed project will facilitate last-mile infrastructure deployment as well as any plans to partner with last-mile service providers, including any letters of support and commitment or other evidence of interest from service providers for the proposed services offered by the project.

More information on how an applicant can demonstrate last-mile connectivity can be found in the *Alabama Anchor Institution/Middle-Mile Program Application and Application Guide*.

## **23. Does an applicant need to demonstrate last-mile service provider interest in the proposed project?**

An applicant should provide any letters of support and commitment and other documentary evidence of its plans to partner with last-mile service providers and to enhance broadband service to Anchor Institutions in its application.



**24. Can a single application include requests for funding to multiple Anchor Institutions?**

Yes. Connectivity to multiple Anchors can be aggregated into a single application. While any single AIMM Program application can request no more than \$30 million in grant funding, ADECA welcomes applications in a range of sizes.

**25. Will there be a single subaward or multiple subawards under the AIMM Program?**

In light of the goals of the program to expand fiber to as many Anchor Institutions as possible, and to expand middle-mile connectivity to as much of the state as possible, ADECA plans to make multiple subawards under the AIMM Program.

**26. Is it possible to get a shapefile of specific layers of the Alabama Broadband Map?**

Please contact [broadband.fund@adeca.alabama.gov](mailto:broadband.fund@adeca.alabama.gov) to request a shapefile based on the Alabama Broadband Map or to ask further questions about the mapping process.

**27. Where can I find the application guideline document referenced in the AIMM Program workshop?**

The *Alabama Anchor Institution/Middle-Mile Program Application and Application Guide* can be found on ADECA's website at <https://adeca.alabama.gov/alanchormiddlemile/>. The recording of the workshop will be made available on ADECA's website at <https://adeca.alabama.gov/broadband-webinars-and-workshops/>.

**28. Where can I find additional information and guidance about the AIMM Program?**

Additional resources providing information and guidance relevant to the AIMM Program can be found on ADECA's website at <https://adeca.alabama.gov/alanchormiddlemile/> as well as Treasury's website at <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds>.